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(ii) in Schedule II, for the entries relating to sections 292 and 293, the following entries shall be substituted, namely :—

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
292	Sale, etc., of obscene books, etc.	Ditto.	Warrant.	Ditto.	Ditto.	Imprisonment of either description for two years or fine, or both.	Presidency Magistrate or Magistrate of the first class.
292-A	Printing, sale, etc., of grossly indecent or scurrilous matter or matter intended for blackmail.	Ditto.	Ditto.	Ditto.	Ditto.	Ditto.	Ditto.
293	Sale, etc., of obscene objects. . . . grossly indecent, or scurrilous matter or matter intended for blackmail to young persons.	Ditto.	Ditto.	Ditto.	Ditto.	Imprisonment of either description or three years or fine, or both.	Ditto.

APPENDIX IV.

[Vide item IV (3) on page 54 supra.]

L.A. BILL No. 17 OF 1960.

(As passed by the Assembly.)

A Bill to extend certain laws to the transferred territory in the State of Madras.

WHEREAS it is expedient to provide that certain laws should be extended to, and by virtue of such extension should be in force in, the transferred territory in the State of Madras.

BE it enacted in the Eleventh Year of the Republic of India as follows :—

1. *Short title and commencement.*—(1) This Act may be called the Madras (Transferred Territory) Extension of Laws Act, 1960.

(2) It shall come into force on such date as the State Government may, by notification, appoint.

2. *Definitions.*—In this Act, unless the context otherwise requires,—

(*a*) " existing law " means any law, Ordinance, proclamation, regulation, order, by-law, or rule passed or made before the date of the commencement of this Act by Parliament, or by any Legislature, authority or person having power to make such a law, Ordinance, Proclamation, regulation, order, by-law or rule;

(*b*) " transferred territory " means the Kanyakumari district and the Shencottah taluk of the Tirunelveli district.

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3. *Extension of certain enactments.*—So much of the enactments specified in the First Schedule as is in force on the date of the commencement of this Act in the State of Madras except in the transferred territory and relates to matters with respect to which the State Legislature has power to make laws for the State is hereby extended to, and shall be in force in, the transferred territory.

4. *Amendment and extension of certain enactments.*—(1) The enactments specified in the Second Schedule are hereby amended to the extent and in the manner mentioned in the fourth column thereof.

(2) So much of the enactments specified in the Second Schedule as is in force on the date of the commencement of this Act in the State of Madras except in the transferred territory and relates to matters with respect to which the State Legislature has power to make laws for the State and as amended to the extent and in the manner mentioned in the fourth column of the said Schedule is hereby extended to, and shall be in force in, the transferred territory.

5. *Construction of references to laws not in force in the transferred territory.*—(1) Any reference in any enactment specified in the First and Second Schedules to a law which is not in force in the transferred territory shall, in relation to that territory, be constructed as a reference to the corresponding law, if any, in force in that territory.

(2) Any reference in any existing law which continues to be in force in the transferred territory after the date of the commencement of this Act to any law repealed by section 7 shall, in relation to that territory, be construed as a reference to the enactment specified in the First or Second Schedule corresponding to the law so repealed.

6. *Construction of references to authorities where new authorities have been constituted.*—Any reference, by whatever form of words, in any existing law to any authority competent at the date of the passing of that law to exercise any powers or discharge any functions in the transferred territory shall, where a corresponding new authority has been constituted by or under any enactment now extended to the transferred territory, have effect as if it were a reference to that new authority.

7. *Repeal of corresponding laws.*—If, immediately before the date of the commencement of this Act, there is in force in the transferred territory any Act, Ordinance, Proclamation, regulation, order, by-law, rule or other law corresponding to an enactment specified in the First or Second Schedule, whether such Act, Ordinance, Proclamation, regulation, order, by-law, rule or other law is in force by virtue of section 119 of the States Reorganisation

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Act, 1956 (Central Act 37 of 1956) or by virtue of any other legislative power, such corresponding law shall, on the date of the commencement of this Act, stand repealed to the extent to which the corresponding law relates to matters with respect to which the State Legislature has power to make laws for the State.

8. *Savings.*—(1) The repeal by section 7 of any corresponding existing law shall not affect—

(*a*) the previous operation of any such law or anything done or duly suffered thereunder, or

(*b*) any right, privilege, obligation or liability acquired, accrued or incurred under any such law, or

(*c*) any penalty, forfeiture or punishment incurred in respect of any offence committed against any such law, or

(*d*) any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid;

and any such investigation, legal proceeding or remedy may be instituted, continued or enforced and any such penalty, forfeiture or punishment may be imposed as if this Act had not been passed.

(2) Subject to the provisions of sub-section (1), anything done or any action taken including any appointment or delegation made, notification, order, instruction or direction issued, rule, regulation, form, by-law or scheme framed, certificate, permit or licence granted or registration effected, under such corresponding existing law shall be deemed to have been done or taken under the corresponding provision of the enactment as now extended to, and in force in, the transferred territory and shall continue in force accordingly, unless and until superseded by anything done or any action taken under the said enactment.

9. *Powers of courts and other authorities for purposes of facilitating application of laws.*—For the purpose of facilitating the application in the transferred territory of any enactment specified in the First or Second Schedule, any court or other authority may construe such enactment with such alterations not affecting the substance as may be necessary or proper to adapt it to the matter before the court or other authority.

10. *Extension of Madras General Clauses Acts to the transferred territory.*—(1) The Madras General Clauses Act, 1867 (Madras Act I of 1867) and the Madras General Clauses Act, 1891 (Madras Act I of 1891) are hereby extended to, and shall be in force in, the transferred territory.

(2) For the removal of doubts, it is hereby declared that the Travancore-Cochin Interpretation and General Clauses Act, 1125 (Travancore-Cochin Act VII of 1125) shall continue to apply for the

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interpretation of any existing law in force in the transferred territory immediately before the 1st day of November 1956 and continuing in force on the date of the commencement of this Act.

11. *Extension of section 3, Madras Act XIV of 1938.*—Section 3 of the Prisons and Indian Lunacy (Madras Amendment) Act, 1938 (Madras Act XIV of 1938) is hereby extended to, and shall be in force in, the transferred territory.

12. *Power of State Government to extend enactment to the transferred territory by notification.*—(1) The State Government may, by notification, extend to the transferred territory or any part thereof, with such restrictions and modification as they think fit, any enactment which—

(i) is in force in the rest of the State of Madras at the date of the notification, and

(ii) relates to matters with respect to which the State Legislature has power to make laws for the State.

(2) Where any enactment is extended to the transferred territory by a notification under sub-section (1), the enactment so extended shall be deemed to have been included in the First or Second Schedule, as the case may be, and sections 5 to 9 shall apply accordingly.

(3) Every notification issued under sub-section (1) shall be laid before the Legislature if it is sitting, as soon as may be after the issue of the notification, and if it is not sitting, within seven days of its re-assembly, and the State Government shall seek the approval of the Legislature to the notification by resolution moved within a period of fifteen days beginning with the day on which the notification is so laid before it; and if the Legislature makes any modification in the notification or directs that the notification shall cease to have effect, the notification shall, thereafter, have effect only in such modified form or be of no effect, as the case may be, but without prejudice to the validity of anything previously done thereunder.

(4) Where in respect of any notification issued under sub-section (1), the Legislature directs under sub-section (3) that the said notification shall cease to have effect, the corresponding law, if any, repealed under sub-section (2) of this section read with section 7 shall revive and come into force in the transferred territory with effect on and from the date on which the Legislature so directs.

13. *Repeal of certain enactments.*—The enactments specified in the Third Schedule in so far as they apply to, and are in force in, the transferred territory are hereby repealed.

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14. *Power to remove difficulties.*—(1) If any difficulty arises in giving effect to the provisions of this Act or of any enactment extended to the transferred territory by or under this Act, the State Government, as occasion may require, may, by order, do anything which appears to them necessary for the purposes of removing the difficulty.

(2) All orders made under sub-section (1) shall, as soon as possible after they are made, be placed on the table of both the Houses of the Legislature and shall be subject to such modifications by way of amendment or repeal as the Legislature may make either in the same session or in the next session.

THE FIRST SCHEDULE.

See Section (3.)

Year. (1)	*Number.* (2)	*Short title.* (3)
		Central Acts.
1837	XXXVI	The Madras Public Property Malversation Act, 1837.
1839	VII	The Madras Rent and Revenue Sales Act, 1839.
1851	VIII	The Indian Tolls Act, 1851.
1856	XV	The Hindu Widows' Re-marriage Act, 1856.
1858	I	The Madras Compulsory Labour Act, 1858.
1859	XXIV	The Madras District Police Act, 1859.
1863	XXIII	The Waste Lands (Claims) Act, 1863.
1864	XV	The Indian Tolls Act, 1864.
1871	I	The Cattle-trespass Act, 1871.
1871	XXIII	The Pensions Act, 1871.
1878	VI	The Indian Treasure-trove Act, 1878.
1885	XVIII	The Land Acquisition (Mines) Act, 1885.
1886	VI	The Births, Deaths and Marriages Registration Act, 1886.
1892	X	The Government Management of Private Estates Act, 1892.
1894	I	The Land Acquisition Act, 1894.
1913	VI	The Mussalman Wakf Validating Act, 1913.
1916	VII	The Indian Medical Degrees Act, 1916.
1918	X	The Usurious Loans Act, 1918.
1930	XXXII	The Mussalman Wakf Validating Act, 1930.
1938	X	The Culchi Memons Act, 1938.
		Madras Regulations.
1802	III	The Madras Administration of Estates Regulation, 1802.
1817	VII	The Madras Endowments and Escheats Regulation, 1817.

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Year. (1)	Number. (2)	Short title. (3)
		Madras Regulations—cont.
1829	V	.. The Madras Hindu Wills Regulation, 1829.
1831	X	.. The Madras Sale of Minors' Estates Regulation, 1831.
		Madras Acts.
1865	I	.. The Madras District Limits Act, 1865.
1878	VIII	.. The Madras Coffee-stealing Prevention Act, 1878.
1885	III	.. The Madras Outports Landing and Shipping Fees Act, 1885.
1889	III	.. The Madras Towns Nuisances Act, 1889.
1890	II	.. The Madras Canals and Public Ferries Act, 1890.
1911	V	.. The Madras Hackney Carriage Act, 1911.
1914	IV	.. The Madras Medical Registration Act, 1914.
1918	I	.. The Mappilla Succession Act, 1918.
1919	III	.. The Madras Agricultural Pests and Diseases Act, 1919.
1926	I	.. The Madras Indian Ports (Amendment) Act, 1925.
1935	VII	.. The Madras Debtors' Protection Act, 1934.
1936	III	.. The Indian Registration (Madras Amendment) Act, 1935.
1938	V	.. The Madras Traffic Control Act, 1938.
1938	XV	.. The Indian Lunacy (Madras Amendment) Act, 1938.
1938	XIX	.. The Madras Minor Ports Fund Act, 1938.
1939	V	.. The Madras Electricity Duty Act, 1939.
1943	III	.. The Legal Practitioners (Madras Amendment) Act, 1943.
1943	XII	.. The Indian Lunacy (Madras Amendment) Act, 1943.
1943	XXIII	.. The Madras Pawnbrokers Act, 1943.
1945	XII	.. The Madras Prevention of Couching Act, 1945.
1947	IX	.. The Bar Councils and Legal Practitioners (Madras Amendment) Act, 1947.
1948	I	.. The Madras Home Guards Act, 1948.
1948	VI	.. The Madras Restriction of Habitual Offenders Act, 1948.
1948	XIV	.. The Madras Aided Institutions (Prohibition of Transfers of Property) Act, 1948.
1949	VIII	.. The Vexatious Litigation (Prevention) Act, 1949.
1949	XVIII	.. The Muslim Personal Law (Shariat) Application (Madras Amendment) Act, 1949.
1949	XXX	.. The Madras Drugs (Control) Act, 1949.
1949	XLVII	.. The Madras Cotton (Trade Stocks) Census Act, 1949.
1949	XLVIII	.. The Madras Educational Institutions (Temporary Control of Property) Act, 1949.
1950	V	.. The Madras Jute (Control of Prices and Sales) Act, 1950.
1951	XVIII	.. The Madras Anatomy Act, 1951.
1952	XVI	.. The Madras Motor Vehicles (Taxation of Passengers and Goods) Act, 1952.
1956	XXVII	.. The Madras Registration of Practitioners of Integrated Medicine Act, 1956.

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THE SECOND SCHEDULE.

(*See* section 4.)

Year.	*Number.*	*Short title.*	*Amendments.*
(1)	(2)	(3)	(4)
		Madras Acts.	
1864	II	The Madras Revenue Recovery Act, 1864.	1. In section 1, for the paragraph commencing with the words "Public revenue" and ending with the word "irrigation" the following paragraph shall be substituted, namely :— "Public revenue due on land shall, for the purposes of this Act, be taken to include— (*a*) cesses or other dues payable to the State Government on account of water supplied for irrigation; and (*b*) pattom due on Kandu krishi lands in the Kanyakumari district". 2. To section 22, the following proviso shall be added, namely :— "Provided that nothing in this section shall be deemed to prevent the sale of any distrained property which is subject to speedy and natural decay at any time after the date on which the notice may be so affixed".
1902	I	The Madras Court of Wards Act, 1902.	1. In section 17— (i) in sub-section (1) for the words "an undivided Hindu family under its superintendence unless all the co-parceners", the words "an undivided Hindu family or a Marumakkattayam tarwad under its superintendence unless all the co-parceners or the members of the tarwad, as the case may be", shall be substituted. (ii) in sub-section (2), after the words "an undivided Hindu family", the words "or as members of a Marumakkattayam tarwad" shall be inserted.

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Year.	*Number.*	*Short title.*	*Amendments.*
(1)	(2)	(3)	(4)
		Madras Acts—cont.	
1902—*cont.*	I—*cont.*	The Madras Court of Wards Act, 1902—*cont.*	2. For clause (*d*) of section 54, the following clause shall be substituted, namely :— “(*d*) the property of an undivided Hindu family or a Marumakkattayam tarwad, and the person of every co-parcener in such family or member of such tarwad, as the case may be, who is not possessed of separate estate, as soon as any co-parcener or member ceases to be disqualified under section 9”.
1905	III	The Madras Land Encroachment Act, 1905.	1. After section 1, the following section shall be inserted, namely :— “1-A. *Definition.*—In this Act, unless the context otherwise requires, the expression “transferred territory” means the Kanyakumari district and the Shencottah taluk of the Tirunelveli district”. 2. In section 2, sub-section (1)— (i) in the opening paragraph, for the words ‘all canals and water-courses”, the words “all backwaters, canals and water-courses” shall be substituted ; and (ii) in clause (*c*), after the words “including that of a janmi in the Gudalur taluk of the Nilgiri district”, the words “and in the transferred territory” shall be inserted. 3. In section 3, for the words “Any person who shall unauthorizedly occupy any land”, the words “Any person who shall unauthorizedly occupy in any area other than the transferred territory any land” shall be substituted. 4. After section 3, the following section shall be inserted, namely :— “3-A. *Levy of assessment on lands unauthorizedly occupied in the transferred territory.*—Any person who shall unauthorizedly occupy in the transferred territory any

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Year.	*Number.*	*Short title.*	*Amendments.*
(1)	(2)	(3)	(4)

Madras Acts—cont.

1905—*cont.*	III—*cont.*	The Madras Land Encroachment Act, 1905—*cont.*	land which is the property of Government shall be liable to pay by way of assessment,—

(*a*) if the land so occupied forms an assessed survey number or part thereof, such assessment for the whole period of his occupation, as may be imposed by the Collector or subject to his control, by the Tahsildar or Deputy Tahsildar, in accordance with such rate as may be prescribed ;

(*b*) if the land so occupied be unassessed, such prohibitory assessment for the whole period of his occupation, as may be imposed by the Collector or subject to his control, by the Tahsildar or Deputy Tahsildar :

Provided that payment of assessment or prohibitory assessment under this section shall not confer any right of occupancy.

Explanation.—For the purposes of this section, occupation for an incomplete portion of a fasli may be deemed to be occupation for a whole fasli".

5. In section 4, after the words and figure "under section 3", the words, figure and letter "or section 3-A", shall be inserted.

6. In section 5, for the words and figure "Any person liable to pay assessment under section 3", the words and figure "Any person in any area other than the transferred territory liable to pay assessment under section 3" shall be substituted.

7. After section 5, the following section shall be inserted, namely :—

"5-A. *Liability of person unauthorizedly occupying land to penalty after notice in the transferred territory.*—Any person in the transferred territory liable to pay assessment under section 3-A shall

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Year. (1)	*Number.* (2)	*Short title.* (3)	*Amendments.* (4)
		Madras Acts—cont.	
1905—*cont.*	III—*cont.*	The Madras Land Encroachment Act, 1905—*cont.*	also be liable at the discretion of the Collector or subject to his control, the Tahsildar or Deputy Tahsildar, to pay in addition by way of penalty, whether the land is assessed or unassessed, a sum not exceeding two hundred rupees".
			8. In sub-section (1) of section 6, after the words and figure "under section 3", the words figure and letter "or section 3-A" shall be inserted.
			9. In section 7, for the words and figures "under section 5 or section 6" in the two places where they occur, the words, figures and letter "under section 5, section 5-A or section 6" shall be substituted.
			10. In section 8— (i) in clause (*a*), after the words and figure "under section 3", the words, figure and letter "or section 3-A" shall be inserted. (ii) in clause (*b*), after the words and figure "under section 5", the words, figure and letter "or section 5-A" shall be inserted.
			11. In the proviso to section 13, after the words and figure "under section 5", the words figure and letter "of section 5-A" shall be inserted.
..	..	The Madras Motor Vehicles Taxation Act, 1931.	In section 10, for the Explanation, the following Explanation shall be substituted, namely:— "*Explanation.*—The provisions of this section shall apply in relation to— (i) the area which formerly formed part of the State of Pudukkottai; and (ii) the area comprising the Kanyakumari district and the Shenco tah taluk of the Tirunelveli district. As if the State Government had power to pay such compensation to the local bodies in the said areas as the State Government may, by order, determine".]

TAMIL NADU LEGISLATIVE ASSEMBLY
TRUTH ALONE TRIUMPHS

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THE THIRD SCHEDULE.

(*See* section 13.)

REPEALS.

Year. (1)	*Number.* (2)	*Short title.* (3)
		Travancore Acts.
1010	I	.. The Powers and Jurisdiction of Munsifs Act, 1010.
1010	IV	.. The Jurisdiction of Zillah Judges Act, 1010.
1124	XXIV	.. The Travancore Opium Smoking Act, 1124.
		Travancore-Cochin Act.
1953	IX	.. The Travancore-Cochin Medical Practitioners Act, 1953.

I certify that this is a Money Bill.

U. KRISHNA RAU,
Speaker, Madras Legislative Assembly.

FORT ST. GEORGE, MADRAS,
18*th August* 1960.

FINANCIAL MEMORANDUM.

Clauses 3 and 4 of the Bill provide for the extension of the enactments specified in the First and Second Schedules to the transferred territory and clause 7 provides for the repeal of the corresponding laws in force in that territory. There is already the requisite machinery in the transferred territory for carrying into effect the provisions of the corresponding laws in force therein and this machinery may be sufficient to carry into effect the provisions of most of the enactments now extended. There may not therefore be marked additional expenditure on this account. The provisions of certain other Acts included in the First Schedule which do not correspond to any of the laws in force in the transferred territory when extended would involve expenditure from the Consolidated Fund of the State.

It is not possible, at this stage, to estimate, with any degree of accuracy, the expenditure to be incurred as a result of the proposed Act.

MEMORANDUM REGARDING DELEGATED LEGISLATION.

Sub-clause (1) of clause 14 of the Bill confers on the Government power to remove by order any difficulty which may arise in giving effect to the provisions of the proposed Act or of any enactment extended to the transferred territory by the proposed Act. The powers delegated are normal and not of an exceptional character.